

**CHAPTER NO. 198**

**HOUSE BILL NO. 821**

**By Representatives Pleasant, Todd, Baird**

**Substituted for: Senate Bill No. 961**

**By Senators Norris, Miller**

AN ACT to amend Tennessee Code Annotated, Section 55-8-136, relative to drivers exercising due care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-8-136, is amended by designating the present section as subsection (a) and by adding new sections as follows:

(b) Notwithstanding any speed limit or zone in effect at the time, or right of way rules that may be applicable, every driver of a motor vehicle shall exercise due care to avoid colliding with any other motor vehicle, either being driven or legally parked, upon any roadway, or any road sign or guard rail or any fixed object legally placed within or beside the roadway right of way, by operating such motor vehicle at a safe speed, by maintaining a safe lookout, by keeping such motor vehicle under proper control and by devoting full time and attention to operating such motor vehicle, under the existing circumstances to avoid endangering life, limb or property.

(c) A violation of this section is a Class C misdemeanor.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

**PASSED: May 5, 2005**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 19<sup>th</sup> day of May 2005**

  
PHIL BREDESEN, GOVERNOR